

Available online at www.sciencedirect.com
ScienceDirect

Procedia - Social and Behavioral Sciences 158 (2014) 222 – 225

Procedia
 Social and Behavioral Sciences

14th International Language, Literature and Stylistics Symposium

Forensic linguistics: A brief overview of the key elements

 Mohsen Ghasemi Ariani^{a,*}, Fatemeh Sajedi^{a,*} Mahin Sajedi^b
^a*Department of English, Research and Science Branch, IAU, Neyshabur, Iran*^a*Department of Law, Research and Science Branch, IAU, Zahedan, Iran*

Abstract

The present study scrutinized a framework and brief overview of the key elements of forensic linguistics covering the discipline, the history and development of it, and the use of linguistic evidence in legal proceedings. Moreover, the typical types of linguistic evidence such as author identification, forensic stylistics, discourse analysis, forensic phonetics, forensic transcription and variation (intra-author and inter-author) are explored. Following a brief introduction to the field that examines some general issues, areas directly related to forensic linguistics are put forward. To this end, a section on document examination, software forensic, semiotics and plagiarism detection are included. Besides, the study pays its attention to some forensic applications of descriptive linguistics such as forensic linguists, text types, author, and the linguistic investigation of authorship. The article concludes by suggesting that lawyers and linguists should work more closely with each other in the interests of justice and that not only should linguists improve their understanding of law issues but also the lawyers should benefit from the hindsight experiences of linguists as consultants and expert witness. The present study also suggest that the future of forensic linguistics will be promising if linguists work on law issues, and also on acquiring qualifications, skills and knowledge in other related disciplines in order to better prepare them for working in and with courts.

© 2014 The Authors. Published by Elsevier Ltd. This is an open access article under the CC BY-NC-ND license

(<http://creativecommons.org/licenses/by-nc-nd/3.0/>).

Peer-review under responsibility of Dokuz Eylul University, Faculty of Education.

Keywords: Forensic Linguistics; Linguistic Evidence; Forensic Applications

1. Main text

Linguistics is the scientific study of language as a human activity. It is concerned with both the structure of language and the ways in which it functions in different settings. There are many fields in linguistics and one increasingly prominent area of applied research is forensic linguistics. This field has developed from a research-

* Mohsen Ghasemi Ariani. Tel.: +98 9365740839.

E-mail address: mohsenghasemiariani@yahoo.com.

based understanding of language. Forensic linguistics involves the application of scientific knowledge to language in the context of criminal and civil law. Forensic linguists have an interest in understanding the language of the written law, its complexity and its origin, as well as the use of language in forensic procedures. They also study the judicial process from point of arrest, and through the interview, charge, trial and sentencing stages. For example, linguists are interested in the language of police interviews with witnesses and suspects, and in the language of lawyers and witnesses in cross-examination (AHRC, 2009).

2. Historical retrospect on forensic linguistics research

The term 'forensic linguistics' is used for the first time by the linguistics professor Jan Svartvik (1968) in his book "The Evans Statements: A Case for Forensic Linguistics". In the 1980s, Australian linguists discussed the application of linguistics and sociolinguistics to legal issues. They discovered that a phrase such as 'the same language' is open to interpretation. The Federal Criminal Police Office (BKA) Germany, organizes a two-day conference in forensic linguistics in 1988. The First British Seminar on Forensic Linguistics was held at the University of Birmingham in 1992 and was attended by delegates from Australia, Brazil, Ireland, Holland, Greece, Ukraine and Germany as well as the UK. Moreover, first MA course in forensic linguistics introduced at Cardiff University in 1999 and the Centre for Forensic Linguistics was established at Birmingham's Aston University to cope with the increasing demand for forensic linguistic skills in 2008 (Jie Gao, 2010).

3. Use of linguistic evidence in legal proceedings

The following areas of application have different degrees of reliability within the field. Linguists have provided evidence in (AHRC, 2009):

3.1. Author identification

The identification of whether a given individual said or wrote something relies on analysis of their idiolect, or particular patterns of language use (vocabulary, collocations, pronunciation, spelling, grammar).

3.2. Forensic stylistics

This discipline subjects written or spoken materials (or both) to scientific analysis for determination and measurement of content, meaning, speaker identification, or determination of authorship, in identifying plagiarism.

3.3. Discourse analysis

Discourse analysis deals with analyzing written, oral, or sign language use, or any significant semiotic event.

3.4. Linguistic dialectology

This refers to the study of dialects in a methodological manner based on anthropological information. It is becoming more important to conduct systematic studies of dialects, especially within the English language.

3.5. Forensic phonetics

The forensic phonetician deals with the production of accurate transcriptions of what was being said. Transcriptions can reveal information about a speaker's social and regional background. Forensic phonetics can determine similarities between the speakers of two or more separate recordings (John Olsson, 2007).

3.6. Forensic transcription

The two main types of transcriptions are written documents and video and audio records. Accurate, reliable text transcription is important because the text is the data which becomes the available evidence.

3.7. Variation

Intra-author variations are the ways in which one author's texts differ from each other. Inter-author variations are the ways in which different authors' writing varies. Two texts by one author do not necessarily vary less than texts by two different authors.

4. Forensic applications of descriptive linguistics

4.1. Forensic linguists

Forensic linguists are most frequently called in to help a court answer one or both of two questions: what does a given text 'say' and who is its author? In answering these questions linguists draw on knowledge and techniques derived from one or more of the sub-areas of descriptive linguistics: phonetics and phonology, lexis syntax, semantics, pragmatics, discourse and text analysis (Malcolm Coulthard, 1997).

4.2. Text

For the phonetician this is a question of decoding words and phrases from tape recordings- when a recording is of poor quality the non-expert may hear one thing, while the expert with a trained ear and the help of sophisticated equipment and software may perceive something entirely different. The forensic linguist is also concerned not with deciphering words, but rather with their interpretation (Malcolm Coulthard, 1997).

4.3. The linguistic investigation of authorship

The linguist can also approach the problem of questioned authorship from the theoretical position that every native speaker has their own distinct and individual version of the language they speak and write, their own idiolect, and the assumption that this idiolect will manifest itself through distinctive and idiosyncratic choices in texts (Halliday 1964).

5. Areas related to forensic linguistics

5.1 Document examination

The overlap that exists between linguistics and document examination provides useful double coverage of stylistic makers in punctuation, spelling, abbreviation, and forms of dates. The examination of questioned documents relies on scientific study of the physical evidence of a document (Gerald R. MacMenamin, 2002).

5.2. Software forensic

Another interesting and recent development in forensic authorship identification is the application of stylistic analysis to computer programming. Computer science professor suspicious of plagiarism are using software program to identify suspiciously similar string of code in programming assignment (Gerald R. MacMenamin, 2002).

5.3. Semiotics

It is the study of meaning-making. This includes the study of signs and sign processes, indication, designation, likeness, analogy, metaphor, symbolism, signification, and communication (Gerald R. MacMenamin, 2002).

5.4. Plagiarism detection

The widespread use of computers and the advent of the Internet have made it easier to plagiarize the work of others. Plagiarism can be found in virtually any field, including scientific papers, art designs, and source code. Detection of plagiarism can be either manual or software-assisted (Gerald R. MacMenamin, 2002).

5.5. Linguists and lawyers interaction

In this section an attempt was made to show some of the issues linguists deal with when interacting with the legal system. It is now seen as imperative among linguists that both they and legal professionals work towards a better understanding of each other's perspective. If linguists claim that lawyers are ignorant of linguistics, then it is up to linguists to ensure that this situation does not continue. Lawyers can equally claim that linguists are ignorant of the law and it is certainly up to linguists to ensure that this gap in their knowledge is addressed as a matter of some priority. It will also be important for linguists, in this age of international courts, to understand the discourse practices of international law, and to familiarize themselves with the customs and mores of other countries' legal systems. It is likely in the future that increasing numbers of those seeking to enter the field of forensic linguistics will have additional qualifications in areas such as the law and to gain greater understanding of scientific techniques, methods and presentation.

6. Conclusion

Science is becoming increasingly important in relation to the law, and forensic linguistics is one area where research is leading to advances that are increasingly used to solve crimes (AHRC, 2009). The present study explores the discipline of forensic linguistics and use of linguistic evidence in legal proceedings. A section on forensic applications of descriptive linguistics and areas related to forensic linguistics are included, and the article concludes with linguists and lawyers interaction. The article concludes by suggesting that lawyers and linguists work more closely with each other and lawyers in the interests of justice.

References

- Art & Humanities Research Council. (2009). Forensic linguistics. Retrieved from <http://www.ahrc.ac.uk/What-We-Do/Build-the.../Forensic-linguistics.pdf>.
- Coulthard, M. (1986). *Talking about text*. Birmingham: ELR.
- Coulthard, M. (1992). *Advances in spoken discourse analysis*. London: Routledge.
- Coulthard, M. (1997). 'A failed appeal', appeal in forensic linguistics. *The International Journal of Speech, Language and the Law*, 4(2), 287-302.
- Coulthard, M., & Johnson, A. (2007). An introduction to forensic linguistics: language in evidence. *The International Journal of Speech, Language and the Law*, 15(2), 275-280.
- Eades, D. (1994). Forensic linguistics in Australia: An overview, *Forensic Linguistics. The International Journal of Speech, Language and the Law*, 1(2), 113-132.
- Halliday, M. A. K. (1989). *Spoken and written language*. Oxford: OUP.
- Gao, J. (2010). Review and prospects of the research of forensic linguistics in China. *The Journal of Asian Social Science*, 6(10), 55-75.
- Gibbons, J. (1994). *Language & Law*. London & New York: Longman Publishing.
- MacMenamin, G. R. (2002). *Forensic linguistics: Advances in forensic stylistics*. Florida, USA: CRS Press.
- Olsson, J. (2003). *What is forensic linguistics?* England: Nebraska Wesleyan University.
- Vandijk, T. A., (1977). *Text & Context*. London, UK: Longman.